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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,405	06/13/2000	Timothy H. Addington	A-5997	5775

5642 7590 09/06/2006

SCIENTIFIC-ATLANTA, INC.  
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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/592,405

Applicant(s)

ADDINGTON ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-50 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 26-50 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 26-50 are rejected under 35 U.S.C. 102(e) as being anticipated by **Borseth (7,042,526)**.

As to claims 26-30, note the **Borseth** reference figures 2-4, discloses a worldwide television tuning system with object-based tuning control modules (col. 4, lines 9-16) and further disclose in a subscriber television system, a method, at a decoder (Viewer Unit 'VU' 56 or Tuning System 'TS' 100 'VU/TS-56/100') in a subscriber television system, for determining a service group associated with the decoder, the method comprising the steps of:

Creating, at the headend (fig.2, col.4, lines 19-50), a service group table (ITU Country Code Table, fig.5) for the subscriber television system, where the service group table includes a plurality of service group identifications, a plurality of transport stream identifications and tuning information associated with at least one transport stream identification; causing to be transmitted, from the headend, the service group table via

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the transmission medium (different type of Broadcast Medium 'BM' 54, satellite, Internet, cable, etc., and various broadcast standards) to at least one decoder (Receiver (R) 60 or VU/TS-56/100 with Tuner 60, 64 or 110, "a home communication terminal, a television or computer," figs. 1-5 and col.4, line 18-col.5, line 1+ and col.11, lines 5-42)

Retrieving a service group table (R-60 or VU/TS-56/100) from a signal on the transmission medium (BM-54), where the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information associated with at least one transport stream identification (fig.5); retrieving at least a portion of the tuning information from the service group table, the tuning information including at least one frequency, where the at least one frequency is associated with the at least one transport stream identification; tuning to a frequency retrieved from the tuning informing (R-60 or VU/TS-56/100, col.5, line 54-col.6, line 31 and line 41-col.7, line 47);

(R-60 or VU/TS-56/100) tuning to a frequency retrieved from the tuning informing; determining if a valid signal is present at the tuned frequency if the signal is not valid re-tuning of the tuner to at least one frequency indicated by the tuning information; in response to determining that a valid signal is detected at the tuned frequency (col.8, lines 34-45), determining the transport stream identification associated with the tuned frequency and, from the determined transport stream identification, determining an associated service group from the service group table as the service group for the decoder (col.7, line 47-col.8, line 45);

comparing the determined service group for the decoder with previously store service group; and in response to a determination that the determined service group for the decoder is different than the previously stored service group, transmitting the determined service group for the decoder to a system controller (col.6, line 56-col.7, line 11, col.8, lines 5-33 and col.11, lines 65-42), note a country might have more than one table for separate regions within the country and furthermore if a user of R-60 or VU/TS-56/100 moves to a different region or country, the R-60 or VU/TS-56/100 compares the previously stored service group table with the service group table of the new region or country, transmits the determined service group to the service provider which records the relationship of the decoder to the associated service and upgrades the R-60 or VU/TS-56/100 with the determine service group table of the new region or country (col.11, lines 5-42).

As to claims 31-33, the claimed "A method for determining a service group associated of at least one decoder, comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 26-30.

As to claims 34-37, the claimed "A modulator for transmitting a service group table in a subscriber TV system..." is composed of the same structural elements that were discussed with respect to the rejection of claims 26-30.

As to claims 38-41, the claimed "A decoder configured to determine an associated with a service group of a subscriber TV..." is composed of the same structural elements that were discussed with respect to the rejection of claims 26-30.

As to claims 42-43, the claimed "A system controller for causing to be stored and updated a database of a service group..." is composed of the same structural elements that were discussed with respect to the rejection of claims 26-30.

As to claims 44-46, the claimed "A system controller for determining service group associations of a plurality of modulators..." is composed of the same structural elements that were discussed with respect to the rejection of claims 26-30.

As to claims 47-50, the claimed "A method of using at least one of designated audit decoders at specific locations within a subscriber TV system..." is composed of the same structural elements that were discussed with respect to the rejection of claims 26-30.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 26-50 have been considered but are moot in view of the new ground(s) of rejection discussed above. This office action is non-final.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chimoto et al (5,838,383) disclose a multimedia TV receiver and method of booting the same.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



**Annan Q. Shang**



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